



January 31, 2002

HOUSE BILL No. 1366

DIGEST OF HB 1366 (Updated January 30, 2002 11:28 AM - DI 106)

Citations Affected: IC 33-4; IC 33-5; noncode.

Synopsis: Court fees. Reduces the deposit that must be made to transfer a case from a small claims docket to a plenary docket from \$70 to \$65.

Effective: July 1, 2002.

Richardson, Sturtz

January 15, 2002, read first time and referred to Committee on Courts and Criminal Code.
January 30, 2002, amended, reported — Do Pass.

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HB 1366—LS 6116/DI 69+



January 31, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1366

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 33-4-3-10 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. (a) The filing of a
3 claim on the small claims docket is deemed a waiver of trial by jury.
4 (b) The defendant may, not later than ten (10) days following
5 service of the complaint in a small claims case, demand a trial by jury
6 by filing an affidavit that:
7 (1) states that there are questions of fact requiring a trial by jury;
8 (2) specifies those questions of fact; and
9 (3) states that the demand is in good faith.
10 (c) Notice of the defendant's right to a jury trial, and the ten (10) day
11 period in which to file for a jury trial, shall be clearly stated on the
12 notice of claim or on an additional sheet to be served with the notice of
13 claim on the defendant.
14 (d) Upon the deposit of ~~seventy sixty-five~~ **sixty-five** dollars (~~\$70~~) (**\$65**) in the
15 small claims docket by the defendant, the court shall transfer the claim
16 to the plenary docket. Upon transfer, the claim then loses its status as
17 a small claim.

HB 1366—LS 6116/DI 69+



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1 SECTION 2. IC 33-5-2-7 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2002]: Sec. 7. (a) The filing of a claim on the
3 small claims docket is deemed a waiver of trial by jury.

4 (b) The defendant may, not later than ten (10) days following
5 service of the complaint in a small claims case, demand a trial by jury
6 by filing an affidavit that:

7 (1) states that there are questions of fact requiring a trial by jury;

8 (2) specifies those questions of fact; and

9 (3) states that the demand is in good faith.

10 (c) Notice of the defendant's right to a jury trial, and the ten (10) day
11 period in which to file for a jury trial, shall be clearly stated on the
12 notice of claim or on an additional sheet to be served with the notice of
13 claim on the defendant.

14 (d) Upon the deposit of ~~seventy six~~ **sixty-five** dollars (~~\$70~~) (**\$65**) in the
15 small claims docket by the defendant, the court shall transfer the claim
16 to the plenary docket. Upon transfer, the claim then loses its status as
17 a small claim.

18 SECTION 3. [EFFECTIVE JULY 1, 2002] **IC 33-4-3-10 and**
19 **IC 33-5-2-7, both as amended by this act, apply only to a deposit to**
20 **transfer a case on a small claims docket to the plenary docket that**
21 **is made after June 30, 2002.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1366, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 18 through 42.

Delete pages 3 through 6.

Page 7, delete lines 1 through 30.

Page 7, line 31, delete "(a)".

Page 7, delete lines 35 through 36.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1366 as introduced.)

DVORAK, Chair

Committee Vote: yeas 10, nays 0.

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